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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,217	02/06/2006	Takeshi Goriki	P29044	5444
7055 7590 11/01/2007 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER SHALLENBERGER, JULIE A	
			ART UNIT 2885	PAPER NUMBER
			NOTIFICATION DATE 11/01/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	Application No. 10/562,217	Applicant(s) GORIKI ET AL.	
	Examiner Julie A. Shallenberger	Art Unit 2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/23/05.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The preliminary amendment filed 12/23/05 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are numerous typographic and grammatical errors including numerous missing articles throughout the claims. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Some examples of these errors are provided below.

In claims 1 and 11, it is unclear what the applicant is trying to claim in the phrase: "and a plurality of reinforcing ribs formed for coupling between a lower face of the protruding portion and portions of an outer face of the side walls *except the protruding portion and for protruding outward from the side walls*".

In claim 3, it is unclear what the applicant is trying to claim in the phrase: "a slanted face is provided in a *vicinity of a lower end the reinforcing rib so that protruding dimension* of the reinforcing rib from the side wall becomes smaller departing from the protruding portion".

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opening of the base member is substantially hemisphere are respectively *provided opposing to each other on inner walls of both side of the groove*".

In claim 5, it is unclear what the applicant is trying to claim in the phrase: "wherein the wire putting portion is a groove formed for communicating the opening on an upper face of the base member, *and protrusions that a cross-sectional shape in a direction parallel to a longitudinal direction and perpendicular to a widthwise direction of the groove are provided on a bottom of the groove*".

In claim 12, it is unclear what the applicant is trying to claim in the phrase: "wherein a slanted face is provided in a vicinity of a lower end the reinforcing rib so that *protruding dimension* of the reinforcing rib from the side wall becomes smaller departing from the protruding portion".

Appropriate correction of all claims 1-12 is required.

The claims have been examined as best understood by the examiner.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jibe et al. (5,939,674) in view of de Vos et al. (4,398,239).

3. Claims 1-12, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jibe et al. (5,939,674) in view of de Vos et al. (4,398,239).

In regard to claims 1 and 11, Jibe teaches a synthetic resin (plastic) housing 1 with a tubular shaped base 2, flat bottom 23 and side walls (fig. 1), a cover 15 closing an opening of the base, a protruding portion (3 & 5) formed to protrude outward from a part of the side wall, a wire putting portion (8 and 12) formed on the protruding portion and communicating between an inside and outside of the housing, plurality of reinforcing ribs (12 & 14) for coupling between lower face of protruding portion and portions of an outer face of the side walls (col. 4 line 26 - col.6 line 41), but lacks the teaching of using the wiring with a discharge lamp.

De Vos teaches a discharge lamp 40 and housing (figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the wire leading part taught by Jibe with the discharge lamp taught by de Vos in order to provide good weatherproofing for the outdoor luminaire.

In regard to claim 2, Jibe shows the protruding dimension (3 & 5) of the protruding portion of the base member from the side wall equal to *or larger* than  $\frac{1}{2}$  of the height of the side wall. Furthermore, it has been held by the courts that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d

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1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984).

In regard to claims 3 and 12, Jibe teaches a slanted face on the lower end of the reinforcing rib such that the protruding dimension of the rib from the side wall becomes smaller departing from the protruding portion.

In regard to claim 4, Jibe teaches a wire putting portion being a groove formed for communicating the opening on an upper face of the base member, ribs with a hemispherical cross section parallel to the opening for the base and opposing each other on inner walls of both sides of the groove (see figure 1).

In regard to claim 5, Jibe teaches wherein the wire putting portion is a groove formed for communicating the opening on an upper face of the base member, and protrusions 5 that have a cross-sectional shape in a direction parallel to a longitudinal direction and perpendicular to a widthwise direction of the groove are provided on a bottom of the groove.

In regard to claim 6, Jibe teaches a cover member 15 has a protruding portion formed to overlap with a face of the protruding portion of the base member on which the wire putting portion is formed.

In regard to claim 7, de Vos teaches a fixing portion 121 with a housing 35 fixed to a lighting system 40 on plate 31.

In regard to claim 8, Although Jibe fails to disclose a screw fastening means, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to add a conventional screw/fastener to the fixing means in order to better secure the housing to the lighting system.

In regard to claims 9 and 10, de Vos teaches a metal cover 15 which covers the housing and has pieces (27 and 25) engaged with another cover piece 19 (which is the only overlap) and the housing is in a vicinity of the wiring portion (see figure 1).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie A. Shallenberger whose telephone number is (571)272-7131. The examiner can normally be reached on Monday - Friday 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on 571-272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAS  
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JONG-SUK (JAMES) LEE  
SUPERVISORY PATENT EXAMINER